

AMENDED IN SENATE JUNE 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1262

Introduced by Assembly Member Caballero

February 23, 2007

An act to amend Section 56425 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1262, as amended, Caballero. Spheres of influence.

Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. Existing law requires, until January 1, 2008, that at least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence or to update an existing sphere of influence for a city, representatives from the city meet with county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere, as specified. If an agreement is reached, it is required to be submitted to the commission, which shall give it great weight in the final determination of the city's sphere of influence. If no agreement is reached, the commission shall consider the applicant city's sphere of influence consistent with specified policies of the commission.

This bill would *revise the above procedure to, among other things, delete the time periods by which a city and county may reach an agreement. It would also delete the January 1, 2008, limitation provision and make the existing requirements, thereby making the revised procedure permanent.*

Because the bill would permanently extend existing requirements that apply to local government entities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56425 of the Government Code is
2 amended to read:
3 56425. (a) In order to carry out its purposes and responsibilities
4 for planning and shaping the logical and orderly development and
5 coordination of local governmental agencies to advantageously
6 provide for the present and future needs of the county and its
7 communities, the commission shall develop and determine the
8 sphere of influence of each local governmental agency within the
9 county and enact policies designed to promote the logical and
10 orderly development of areas within the sphere.
11 (b) ~~At least 30 days prior~~ *Prior to a city* submitting an
12 application to the commission ~~for a determination of a new sphere~~
13 ~~of influence, or to update an existing~~ *its sphere of influence for a*
14 ~~city, representatives from the city shall meet with and~~
15 ~~representatives from the county~~ *representatives shall meet to*
16 ~~discuss the proposed sphere, and its boundaries, new boundaries~~
17 ~~of the sphere and explore methods to reach agreement on the~~
18 ~~boundaries, development standards, development standards and~~
19 ~~planning and zoning requirements within the sphere to ensure that~~
20 ~~development within the sphere occurs in a manner that reflects the~~
21 ~~concerns of the affected city and is accomplished in a manner that~~
22 ~~promotes the logical and orderly development of areas within the~~
23 ~~sphere. If no agreement is reached between the city and county~~
24 ~~within 30 days, then the parties may, by mutual agreement, extend~~
25 ~~discussions for a single, additional period of 30 days. If an~~
26 ~~agreement is reached between the city and county regarding the~~
27 ~~boundaries, development standards, and zoning requirements within~~

1 ~~the proposed sphere, the agreement shall be forwarded to the~~
2 ~~commission, and the~~, *the city shall forward the agreement in*
3 *writing to the commission, along with the application to update*
4 *the sphere of influence. The commission shall consider and adopt*
5 *a sphere of influence for the city consistent with the policies*
6 *adopted by the commission pursuant to this section, and the*
7 *commission shall give great weight to the agreement*~~in the~~
8 ~~commission's~~ *to the extent that it is consistent with commission*
9 *policies in its final determination of the city sphere.*

10 (c) If the commission's final determination is consistent with
11 the agreement reached between the city and county pursuant to
12 subdivision (b), the agreement shall be adopted by both the city
13 and county after a noticed public hearing. Once the agreement has
14 been adopted by the affected local agencies and their respective
15 general plans reflect that agreement, then any development
16 approved by the county within the sphere shall be consistent with
17 the terms of that agreement.

18 (d) If no agreement is reached pursuant to subdivision (b), the
19 application may be submitted to the commission and the
20 commission shall consider a sphere of influence for the city
21 consistent with the policies adopted by the commission pursuant
22 to this section.

23 (e) In determining the sphere of influence of each local agency,
24 the commission shall consider and prepare a written statement of
25 its determinations with respect to each of the following:

26 (1) The present and planned land uses in the area, including
27 agricultural and open-space lands.

28 (2) The present and probable need for public facilities and
29 services in the area.

30 (3) The present capacity of public facilities and adequacy of
31 public services that the agency provides or is authorized to provide.

32 (4) The existence of any social or economic communities of
33 interest in the area if the commission determines that they are
34 relevant to the agency.

35 (f) Upon determination of a sphere of influence, the commission
36 shall adopt that sphere.

37 (g) On or before January 1, 2008, and every five years thereafter,
38 the commission shall, as necessary, review and update each sphere
39 of influence.

1 (h) The commission may recommend governmental
2 reorganizations to particular agencies in the county, using the
3 spheres of influence as the basis for those recommendations. Those
4 recommendations shall be made available, upon request, to other
5 agencies or to the public. The commission shall make all reasonable
6 efforts to ensure wide public dissemination of the
7 recommendations.

8 (i) When adopting, amending, or updating a sphere of influence
9 for a special district, the commission shall do all of the following:

10 (1) Require existing districts to file written statements with the
11 commission specifying the functions or classes of services provided
12 by those districts.

13 (2) Establish the nature, location, and extent of any functions
14 or classes of services provided by existing districts.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.